

(c) REMARKS

The claims are 1-14 with claim 1 the sole independent claim. New dependent claim 14 has been added as supported on specification page 8, line 21 to page 9, line 2. The dependency of claim 6 has now been changed to claim 14. Reconsideration of the claims is expressly requested.

The Examiner has required restriction between:

Group I, claims 1-5, drawn to a sintered body; and

Group II, claims 6-13, drawn to a method of using the sintered body to make a resistance film.

The Examiner has argued that the claimed sintered body can be used to make a resistance film by vapor deposition and, accordingly, this provides that the product, as claimed, can be used in a materially different process. The grounds for restriction are respectfully traversed.

New claim 14 has been added which provides that the film is formed onto the substrate by physical vapor depositing (PVD) employing the sintered body of claim 1. The physical vapor depositing includes the embodiments of sputtering, ion plating and evaporation. This is clear from the disclosure on pages 8 and 9. Similarly, claim 5, directed to sputtering depends from claim 4, directed to PVD.

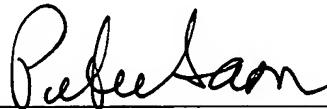
Therefore, since the claimed product cannot be used in a materially different process, it is submitted the grounds for requiring restriction have been obviated and the restriction requirement should be withdrawn. As required, Applicant provisionally elects with traverse, the claims of Group I, claims 1-5, drawn to a sintered body.

The Examiner has noted that the reply to this requirement must include an election of "species" and an identification of the claims encompassing the elected invention. That requirement is respectfully traversed. The Examiner has not pointed out which alleged species are present in the present application. Claim 1 is properly independent and claims 2-5 depend from claim 1. Likewise, claim 14 is properly generic to method claims 6-13. In any event Applicant believes he has responded to the restriction requirement and has provided the required provisional election.

An early and favorable action on the merits is respectfully requested.

Applicant's undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Peter Saxon", is written over a horizontal line.

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